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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights and unilateral coercive measures

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 68/162, in which the Assembly requested the Secretary-General to bring the resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an in-depth and comprehensive report on the negative impacts of unilateral coercive measures on the full enjoyment of human rights to the Assembly at its sixty-ninth session. The present report contains a summary and analysis of the submissions received from the Governments of Colombia, Cuba, Iran (Islamic Republic of), Lebanon and Mauritius.

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I. Introduction

1. In its resolution 68/162, the General Assembly requested the Secretary-General to bring the resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an in-depth and comprehensive report thereon to the Assembly at its sixty-ninth session, while reiterating once again the need to highlight the practical and preventive measures in that respect.

2. On 20 March 2014, the Office of the United Nations High Commissioner for Human Rights sent a request for information to all permanent missions to the United Nations Office and other international organizations in Geneva. As at 3 June 2014, it had received responses from the Governments of Colombia, Cuba, Iran (Islamic Republic of), Lebanon and Mauritius, which are summarized below.

II. Information received from Member States

A. Colombia

3. Colombia stated that it opposed the use of unilateral coercive measures with extraterritorial effects, given that it considered that such measures constituted an inappropriate use of pressure. Colombia underlined that its foreign policy was conducted with complete adherence to the principles and norms of international law, in particular with regard to the principles of sovereignty and the self-determination of peoples. It indicated that it had traditionally been against the use of mechanisms of pressure and sanctions, and believed in favouring international cooperation as a means of promoting the full enjoyment of human rights.

B. Cuba

4. Cuba considered that the imposition of economic unilateral coercive measures against developing countries constituted a serious violation of international law and the purposes and principles of the Charter of the United Nations. In particular, such measures infringed the right to peace, development and security of a sovereign State, in addition to the principle of peaceful coexistence of sovereign States, the right of peoples to self-determination and the norms of the multilateral trade system.

5. Cuba referred to the economic blockade imposed against it by the Government of the United States of America for more than 50 years, stating that the economic, trade and financial blockade constituted the principal obstacle to economic development and the principal source of violation of the human rights of the Cuban population. Cuba further considered that the maintenance of the blockade was a massive, flagrant and systematic violation of the human rights of an entire people, which constituted an act of genocide under the terms of the Convention on the Prevention and Punishment of the Crime of Genocide.

6. Cuba stated that the economic damage caused by the blockade amounted to $1,157,327,000,000 as at April 2013. It said that the negative consequences of the blockade were multiplied, given that it affected the price and availability of

everyday goods, in addition to basic infrastructure and social services. In summary, the blockade created shortages and suffering among the population, limited and slowed development, seriously harmed the economy and had a negative impact on all areas of society, including health, education, sport, culture, science and attention to particularly vulnerable groups.

7. Cuba provided illustrative examples of effects for the period 2012-2013, including impacts of $39 million on the public health sector, which had led to shortages of medicines and equipment. Persons living with HIV/AIDS had been unable to gain access to antiretroviral treatment, the Institute of Nutrition and Hygiene had been unable to test for certain carcinogenic toxins and the Institute of Nephrology had been unable to purchase testing kits from firms based in the United States. Cuba had also been unable to gain access to the United States market to purchase educational materials, raw materials or to exchange scientific, cultural and sporting information. Food imports had faced a loss of $45 million as a result of a lack of direct access to the North American banking system. The cost of that lack of access had been estimated at $20 million, owing to inability to use the United States dollar for transactions. Cuba also listed the effects of the blockade on third countries. Victims of the blockade included companies that marketed products of Cuban origin, companies that wished to trade in Cuban products with more than 10 per cent of components of United States origin, banks that wished to hold accounts in United States dollars for persons or entities based in Cuba and companies investing in or conducting business with Cuba.

8. Cuba noted that there was currently no specific human rights mechanism to examine the negative impact of unilateral coercive measures. It suggested examining the possibility of establishing a special procedures mandate on that thematic issue.

C. Islamic Republic of Iran

9. The Islamic Republic of Iran considered that unilateral coercive measures constituted violations of the Charter and the multilateral trading system. They caused violations of civil, political, economic, social and cultural rights, in addition to the right to development. It noted that the Vienna Declaration and Programme of Action called upon States to refrain from taking such measures.

10. The Islamic Republic of Iran noted that sanctions often caused significant disruption in the distribution of food, pharmaceuticals and sanitation supplies, jeopardized the quality of food and availability of clean drinking water, severely interfered with the functioning of basic health and education systems and undermined the right to work. Women, children, persons with disabilities and minorities appeared to be disproportionately affected by the impact of unilateral coercive measures.

11. The Islamic Republic of Iran recalled the provisions of General Assembly resolution 2131 (XX), which provides that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights or to secure from it advantages of any kind. That position was endorsed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation

among States in accordance with the Charter of the United Nations, adopted by the Assembly in its resolution 2625 (XXV).

12. The Islamic Republic of Iran considered that the response of the United Nations to the effects of sanctions was insufficient and that the United Nations High Commissioner for Human Rights, the Secretary-General and other senior United Nations officials should make public statements about the need to abolish unilateral coercive measures against all States under sanctions.

13. The Islamic Republic of Iran recalled decisions and observations of the International Court of Justice, the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child and the Sub-Commission on Prevention of Discrimination and Protection of Minorities recognizing the human rights and humanitarian impacts of unilateral coercive measures. It further stated that there was an urgent need to consider the human rights dimension in assessing the impact of economic sanctions, for an end to impunity for States imposing sanctions and for reparations for victims of sanctions, calling upon the Human Rights Council to create a specific and effective mechanism to assess, and ultimately to prevent, the imposition of unilateral coercive measures.

D. Lebanon

14. Lebanon considered that unilateral coercive measures were illegal and a breach of both the Charter and a number of Security Council resolutions. Such measures had an impact on the human rights of citizens in targeted States, notably the rights to life, an adequate standard of living, a fair trial, development, freedom of thought, conscience and religion and, in the case of bans on admission, freedom of movement.

15. Lebanon considered that people suffering from health problems and young people would be particularly affected by unilateral coercive measures. Impacts might also be felt in third States, notably in terms of proliferation of illicit trading and the social and economic impact of migration.

16. Lebanon stated that current human rights mechanisms did not appear to be effective in tackling the negative effects of unilateral coercive measures, suggesting that a more efficient mechanism would be an international tribunal of human rights for inter-State disputes.

E. Mauritius

17. Mauritius considered that unilateral measures were inconsistent with the letter and spirit of the World Trade Organization (WTO), which was founded on the principle of multilateralism. It further noted that article 23 of the Dispute Settlement Understanding explicitly prohibited members from invoking unilateral measures that were not based on the WTO dispute settlement procedures. Such measures might lead to instability and unpredictability in tariffs and international trade, or prompt further retaliation from the targeted country, which in turn would be likely to lead to a trade war.

18. Mauritius noted that unilateral measures, in particular those affecting international trade, had been consistently raised by many developing countries as a barrier to their overriding objectives of eradicating poverty and attaining economic development. Broad trade embargoes could have severe adverse impacts on the welfare of the population and the long-term growth prospects of the targeted country. Unilateral measures had an extraterritorial dimension, given that they extended the application of national laws to other countries. Net importing countries were particularly vulnerable to unexpected unilateral measures adopted by another country, which might cut off access to raw materials and food items. Major impacts of unilateral measures might include loss of trade and foreign exchange earnings, reduction in productive capacity and employment, closure of business, disinvestment and deterioration of the economic and social welfare of the population, in particular among middle and lower income groups.

III. Analysis and conclusions

19. **All respondent States rejected the use of unilateral coercive measures, with several considering that they contravened the Charter and general principles of international law, including sovereignty and the self-determination of peoples.**

20. **Respondent States considered that unilateral coercive measures had a negative impact on civil, political, economic, social and cultural rights, including in particular the rights to health, education, food, work, an adequate standard of living, life and a fair trial. According to several respondents, unilateral coercive measures affect vulnerable groups, including women, children, minorities, persons with disabilities and persons from lower income groups.**

21. **Some respondent States called for the establishment of a specific human rights mechanism on the issue of unilateral coercive measures, with proposals including a special procedures mandate and an international tribunal of human rights for inter-State disputes.**

22. **In that context, attention is drawn to Human Rights Council resolution 24/14, in which the Council requested the Office of the United Nations High Commissioner for Human Rights to organize a workshop on the impact of the application of unilateral coercive measures on the enjoyment of human rights by the affected populations, in particular their socioeconomic impact on women and children, in the States targeted. The workshop was held on 23 May 2014 in Geneva. A report on the proceedings (A/HRC/27/32) will be considered by the Human Rights Council at its twenty-seventh session, in September 2014.**